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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/974,798	10/12/2001	Ellen M. Heath	GSIM-01P-0014	7769
. <b>7</b> :	590 06/02/2003			
Ropes & Gray			EXAMINER	
1301 K Street, N.W., Suite 800 East Washington, DC 20005			KHARE, DEVESH	
			ART UNIT	PAPER NUMBER
			1623	11/
			DATE MAILED: 06/02/2003	U

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary    Devah Khare			Application No.	Applicant(s)				
Deveah Khare    Deveah   Charles   Deveah   Deve	Office Action Summary		09/974,798	HEATH ET AL.				
The MALING DATE If this communication appears on the c_ver sheet with th_c_rresp_ndence address—Peri d for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE I MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Exhericors of the majo be wishable under the provision of 3 °CFR 1.736(a), in or event, however, may a reply be timely filled by the pend to reply specified above is less than thirty (30) days, a reply whitin the statutory minimum of thirty (30) days, will be considered timely.  If the pends for reply specified above is less than thirty (30) days, a reply whitin the statutory minimum of thirty (30) days, and will expend to reply be timely filled to reply specified above, he meaning dates of this communication of the pends of the pands of			Examiner	Art Unit				
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1) Responsive to communication(s) filed on  2a) This action is FINAL. 2b) This action is non-final.  3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s)	A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).  - Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).							
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## **DETAILED ACTION**

## Election/Restrictions

- 1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 1-20 and 44, drawn to a method for purifying RNA from biological material with an RNA Binding Solution, classified in class 536, subclasses 22.1-28.9.
  - II. Claims 21-43 and 45, drawn to a method for purifying RNA from biological material with an RNA Lysing Solution, classified in class 435 and 536, subclass various.

The inventions are distinct, each from the other because of the following reasons: Inventions I and II are unrelated to one another. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different method for purifying RNA from biological material, while using the same biological material have different modes of purifications. Group I is drawn to a method for purifying RNA from biological material with an RNA Binding Solution, which is unrelated to the method of Group II.

Group II is drawn to a method for purifying RNA from biological material with an RNA

Lysing Solution by forming a lysate, which is unrelated to the method of Group I.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification and /or divergent

subject material, restriction for examination purposes as indicated is proper.

Furthermore, searches for the two groups would not be coextensive, would therefore place an undue burden on the Examiner.

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Applicant is advised that the response to this requirement to be complete must include an election of the invention to be examined even though the requirement is traversed (37 CFR 1.143).

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a diligently-filed petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(h).

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Devesh Khare whose telephone number is (703)605-

1199. The examiner can normally be reached on Monday to Friday from 8:00 to 4:30. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James O. Wilson, Supervisory Patent Examiner, Art Unit 1623 can be reached at 703-308-4624. The official fax phone numbers for the organization where this application or proceeding is assigned is (703) 308-4556 or 308-4242.

Application/Control Number: 09/974,798

Art Unit: 1623

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1235.

Devesh Khare, Ph.D.,JD(3Y). Art Unit 1623 May 23, 2003 JAMES O. WILSON

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